

ACT 24

S.B. NO. 443

A Bill for an Act Relating to Penal Provisions Outside the Penal Code; Making Technical and Substantive Amendments to Said Provisions in Light of the Penal Code and Certain Other General Laws.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In this Act, unless otherwise stated, all chapter and section references are to the Hawaii Revised Statutes, including chapter and section designations assigned by the revisor of statutes in the publication of the Cumulative Supplement to the Hawaii Revised Statutes.

SECTION 2. Section 64-77 is repealed.

SECTION 3. Section 134-1 is amended to read:

“Sec. 134-1 Definitions. As used in this chapter:

“Firearm” means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns,

automatic rifles, noxious gas projectors, mortars, bombs, cannon, and sub-machine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

"Pistol" or "revolver" means any firearms of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas."

SECTION 4. Section 134-7 is amended to read:

"Sec. 134-7 Ownership or possession by fugitive from justice or by person convicted of certain crimes prohibited; penalty. (a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term "fugitive from justice" means any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a felony or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere, of having committed a felony, or of the illegal use, possession, or sale of any drug, shall own, or have in his possession, or under his control any firearm or ammunition therefor.

(c) Any person violating this section shall be guilty of a class C felony."

SECTION 5. Section 184-5 is amended to read:

"Sec. 184-5 Rules and enforcement; penalty. The department may, subject to chapter 91, make, amend and repeal rules and regulations having the force and effect of law, governing the use and protection of the state park system, including state monuments as established under section 6-12, and including any private property over which there has been granted to the State any right of free public access or use for recreational, park, viewing of any historical, archaeological, natural or scientific feature, object or site, or related purpose, or property thereon, and also governing the use and protection of any recreational, scenic, historical, archaeological, natural, scientific and related resources of state and private lands, and enforce such rules and regulations. Any person who violates any of the rules and regulations so prescribed shall be held liable for restoration of or restitution for any damages to public or private property and shall also be subject to the confiscation of any tools and equipment used in such violation and of any plants, objects or artifacts removed illegally from such properties, and shall be guilty of a petty misdemeanor. Except as otherwise provided by the department, the more restrictive rules and regulations of the department shall apply in any unit of the state park system or any public use area which is also governed by the rules and regulations of any forest reserve, public hunting ground or other department district or area.

The department may confer on the director of state parks and upon other employees of the division the powers of police officers, including the power to serve and execute warrants and arrest offenders in all matters relating to the enforcement, in any state park, parkway or state monument, or in any private property over which there has been granted to the State any right of free public access or use for recreational, park, viewing of any historical,

archaeological, natural or scientific feature, object or site, or related purpose of (1) the laws applicable to the state parks and parkways and to historical objects and sites and the rules and regulations adopted under the provisions of this section and (2) traffic laws and ordinances. Such police powers shall also extend to the enforcement of the laws of the State and the rules and regulations of the department relative to the protection and proper utilization of the recreational, scenic, historical, natural, and archaeological, scientific and related resources of state and private lands. Such conferring of powers shall include the designation of such employees as state parks enforcement officers.”

SECTION 6. Section 184-5.3 is amended to read:

“**Sec. 184-5.3 Failure to obey summons.** Any person who fails to appear at the place and within the time specified in the summons or citation issued to him by the state park enforcement officer upon his arrest for violation of the state parks, historical objects and sites; and outdoor recreation laws and regulations, traffic laws and ordinances; and the laws of the State and the rules and regulations of the department relative to the protection and proper utilization of the recreational, scenic, historical, natural and archaeological, scientific and related resources of state lands and lands within the conservation district, shall be guilty of a petty misdemeanor.

If any person fails to comply with a summons or citation issued to him, or if any person fails or refuses to deposit bail as required and within the time permitted, the officer shall cause a complaint to be entered against the person and secure the issuance of a warrant for his arrest.”

SECTION 7. Section 286-109 is amended to read:

“**Sec. 286-109 General provision governing the issuance of licenses to operators and chauffeurs.** Upon payment of the required fee and upon demonstrating his ability to operate a certain category or categories of motor vehicles to the satisfaction of the examiner of drivers, an applicant for a driver’s license shall be issued a single license of a design approved by the highway safety coordinator upon which is made a notation of the category or categories of motor vehicles he may operate and any restrictive provisions to which the license is subject.

Statutes of limitations and other provisions of this chapter notwithstanding, no driver’s license or instruction permit shall be issued or renewed under any of the provisions hereof, where the examiner of drivers is notified by the district judge, traffic violations bureaus of the district courts, or the judge of the circuit court that the applicant has failed to respond to a traffic citation or summons for the violation of any traffic laws of the State or county or of this chapter and the same remains delinquent and outstanding.”

SECTION 8. Section 296-48 is repealed.

SECTION 9. Section 324-24 is amended to read:

“**Sec. 324-24 Penalty.** Any person violating this part shall be guilty of a violation.”

SECTION 10. Section 466-11(b) is amended to read:

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“(b) Criminal penalties. Any person who violates any provision of section 466-10 shall be guilty of a misdemeanor. Whenever the board has reason to believe that any person is liable to punishment under this section it may certify the facts underlying such belief to the county attorney or prosecuting attorney of the county in which the violation occurred who shall cause appropriate proceedings to be brought.”

SECTION 11. Section 468E-16 is amended to read:

“**Sec. 468E-16 Penalties.** Any person who violates any provision of this chapter or any rule or regulation promulgated thereunder shall be guilty of a petty misdemeanor, the fine for which shall be not more than \$1,000.”

SECTION 12. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 13. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 14. This Act shall take effect upon its approval.

(Approved May 1, 1975.)

*Edited accordingly.